



ITM

PATENT  
ATTORNEY DOCKET NO.: 46884-5469

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                                       |   |                             |
|---------------------------------------|---|-----------------------------|
| In re Application of:                 | ) |                             |
| Yoshinobu ITO, et al.                 | ) | Confirmation No.: 6978      |
| Application No.: 10/574,514           | ) | Group Art Unit: 2879        |
| Filed: April 3, 2006                  | ) | Examiner: Donald L. Raleigh |
| For: GAS DISCHARGE TUBE, LIGHT SOURCE | ) |                             |
| APPARATUS AND LIQUID                  | ) |                             |
| CHROMATOGRAPH                         | ) |                             |

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated September 26, 2008.
2. Additional papers enclosed:
  - ☐ Information Disclosure Statement
  - ☐ Submission of Replacement Drawing Sheets
  - ☐ Replacement Drawing Sheets; \_\_\_ sheets; \_\_\_ figures
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months<br/>Requested</u>     | <u>Fee for<br/>Extension</u> | <u>[Fee for Small<br/>Entity]</u> |
|---------------------------------------|------------------------------|-----------------------------------|
| <input type="checkbox"/> one month    | \$ 130.00                    | \$ 65.00                          |
| <input type="checkbox"/> two months   | \$ 450.00                    | \$ 225.00                         |
| <input type="checkbox"/> three months | \$ 1,020.00                  | \$ 510.00                         |
| <input type="checkbox"/> four months  | \$ 1,590.00                  | \$ 795.00                         |

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |                |            |
|---|---|-------|--------------------------------|------------------|----------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of     | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 10  | minus | 20                             | 0                | x \$50 each =  | + \$0.00   |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 1   | minus | 3                              | 0                | x \$200 each = | + \$0.00   |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$360.00       | + \$0.00   |
| SUB-TOTAL =   |   |       |                                |                  |                | \$0.00     |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |                | - \$0.00   |
| TOTAL FEE =   |   |       |                                |                  |                | \$0.00     |

6. Fee Payment

- ☒ No fee is to be paid at this time.
- ☐ Enclosed is a check in the amount of \$\_\_\_\_\_ for \_\_\_\_\_-month extension of time fee.
- ☐ The Commissioner is hereby authorized to charge \_\_\_\_\_ to Deposit Account No. 50-0573 for the \_\_\_\_\_ fee.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0573.

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**


By:

Paul A. Fournier

Registration No. 41,023

Dated: December 18, 2008

**Customer No. 055694****DRINKER, BIDDLE & REATH LLP**

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**AMENDMENT**

In response to the Office Action dated September 26, 2008, the period for response to which runs through December 26, 2008, please amend the above-identified application as follows: